### 2001 DRAFTING REQUEST

#### Bill

Received: 09/12/2000					Received By: malaigm						
Wanted	Wanted: As time permits					Identical to LRB:					
For: Ad	ministration-F	Budget 6-2288		By/Representing: Fossum							
This file	may be shown	to any legislate	or: NO		Drafter: malaigm						
May Contact:					Alt. Drafters:						
Subject:	Childre	en - out-of-hom	ne placemer	ıt	Extra Copies:						
Pre Top	pic:										
DOA:	Fossum -										
Topic:											
Foster p	arent insurance	deductible					•				
Instruc	tions:										
See Atta	ached					•					
Droftin	g History:										
Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	<u>Submitted</u>	<u>Jacketed</u>	Required				
/?	malaigm 09/12/2000	jdyer 09/14/2000			<u>Saomitea</u>	<u>sacketed</u>	State				
/1			martykr 09/14/200	00	lrb_docadmin 09/14/2000						
FE Sent	For:										
				<end></end>							

## 2001 DRAFTING REQUEST

#### Bill

Received: 09/12/2000					Received By: malaigm					
Wanted:	As time perm	its			Identical to LRB:  By/Representing: Fossum					
For: Adn	ninistration-B	Sudget 6-2288								
This file	This file may be shown to any legislator: NO				Drafter: malaigm					
May Con	ntact:				Alt. Drafters:					
Subject: Children - out-of-home placement				nt .	Extra Copies:	Jason Witt, DHFS				
Pre Top	ic:									
DOA:	Fossum -					•				
Topic:										
Foster pa	rent insurance	deductible								
Instruct	ions:									
See Attac	ched									
Drafting	g History:		W							
Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	<u>Submitted</u>	<u>Jacketed</u>	Required			
/?	malaigm 09/12/2000	jdyer 09/14/2000	• .			,	State			
/1		•	martykr 09/14/200	00	lrb_docadmin 09/14/2000					
FE Sent 1	For:									
				<end></end>						

### 2001 DRAFTING REQUEST

_	_	_		_
7	т.	•	П	п
	к	1		п
			п	п

FE Sent For:

Received: 09/12/2000	Received By: malaigm					
Wanted: As time permits	Identical to LRB:					
For: Administration-Budget 6-2288	By/Representing: Fossum					
This file may be shown to any legislator: NO	Drafter: malaigm					
May Contact:	Alt. Drafters:					
Subject: Children - out-of-home placement	Extra Copies: Jason Witt, DHFS					
Pre Topic:						
DOA:Fossum -						
Topic:						
Foster parent insurance deductible						
Instructions:						
See Attached						
Drafting History:						
Vers. Drafted Reviewed Typed  /? malaigm	Proofed Submitted Jacketed Required					

<END>



#### Department of Health and Family Services 2001-2003 Biennial Budget Statutory Language Request July 14, 2000

Title: Foster Parent Insurance Deductible

#### **Current Language**

Before a license may be issued to a foster home, treatment foster home or family-operated group home, the applicant must obtain liability insurance covering negligence by children placed in the home that results in bodily injury or property damage. The Department pays claims to the extent that they are not covered by any other insurance. If an applicant for a license is unable to obtain the required insurance, a waiver is granted and the Department acts as the insurer for property loss or damage caused by foster children. Payments are made to licensees from a GPR appropriation in the Division of Children and Family Services that was created for this purpose. Title IV-E funds can also be claimed to pay the cost of claims. Section 48.627 (3)(h) requires the Department to apply a \$200 deductible in paying claims from the foster, treatment foster and family-operated group home parent insurance and liability appropriation under s. 20.435 (3)(c1).

#### **Proposed Change**

Change the deductible amount under s. 48.627 (3)(h) to \$100.

#### **Effect of the Change**

Foster parents who take difficult children often experience loss of or damage to property as a result of actions of the child. As a result of the deductible, many foster parents must pay \$200 out of their own pockets to pay for replacement or repair of property. Based on past experience, there will be approximately 55 paid claims each year. Reducing the deductible from \$200 to \$100 would cost \$5,500, all funds (\$3,100 GPR and \$2,400 Fed) each year. The program can absorb this increase.

#### Rationale for the Change

Changing the deductible will provide some financial relief and demonstrate support for foster parents.

**Desired Effective Date:** 

Passage of budget bill

Agency:

**DHFS** 

**Agency Contact:** 

Jason Witt

Phone:

266-9364



1

# State of Misconsin 2001 - 2002 LEGISLATURE

LRB-0261/3

500N

DOA:.....Fossum - Foster parent insurance deductible

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

do not gen

AN ACT ...; relating to: the budget.

## Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

**CHILDREN** 

Under current law, the department of health and family services (DHFS) is required to pay claims not payable by other insurance for bodily injury or property damage sustained by a foster, treatment foster, or family—operated group home parent (parent) or a member of the parent's family as a result of an act of a child placed in the parent's care. Current law also permits DHFS to pay claims not covered by other insurance for acts or omissions of a parent that result in bodily injury to a child placed in the parent's care or that form the basis for a civil action for damages against the parent and for bodily injury or property damage caused by an act or omission of a child who is placed in the parent's care for which the parent becomes legally liable. Currently, the amount of those claims that DHFS may approve in a fiscal year is subject to a \$200 deductible. This bill lowers that deductible amount to \$100.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 4	48.627 (3) (h) o	of the statutes is	amended to read:
--------------	------------------	--------------------	------------------

48.627 (3) (h) If a claim by a foster, treatment foster or family-operated group home parent or a member of the foster, treatment foster or family-operated group home parent's family is approved, the department shall deduct from the amount approved \$200 \$100 less any amount deducted by an insurance company from a payment for the same claim, except that a foster, treatment foster or family-operated group home parent and his or her family are subject to only one deductible for all claims filed in a fiscal year.

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 185 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27. SECTION 9323. Initial applicability; health and family services.

(1) FOSTER PARENT INSURANCE DEDUCTIBLE. The treatment of section 48.627 (3) (h) of the statutes first applies to an act or omission, as described in section 48.627 (2m) or (2s) (a) or (b) of the statutes, that occurs on the effective date of this subsection.

#### Barman, Mike

From: Sent:

Barman, Mike Thursday, September 14, 2000 12:32 PM

To:

Witt, Jason

Cc: Subject: Malaise, Gordon 01-0261/1



01-0261/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561) (E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin Legislative Reference Bureau - Legal Section - Front Office 100 N. Hamilton Street - 5th Floor Madison, WI 53703



#### State of Misconsin 2001 - 2002 LEGISLATURE

LRB-0261/1 GMM:jld:km

DOA:.....Fossum – Foster parent insurance deductible

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

## Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

#### CHILDREN

Under current law, the department of health and family services (DHFS) is required to pay claims not payable by other insurance for bodily injury or property damage sustained by a foster, treatment foster, or family—operated group home parent (parent) or a member of the parent's family as a result of an act of a child placed in the parent's care. Current law also permits DHFS to pay claims not covered by other insurance for acts or omissions of a parent that result in bodily injury to a child placed in the parent's care or that form the basis for a civil action for damages against the parent, and for bodily injury or property damage caused by an act or omission of a child who is placed in the parent's care for which the parent becomes legally liable. Currently, the amount of those claims that DHFS may approve in a fiscal year is subject to a \$200 deductible. This bill lowers that deductible amount to \$100.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

~	40.007	(0)	/1 \	C 1		•	1 1	,	1
SECTION 1.	48.627.0	3)	(h)	of the	statutes	18	amended	to	read:

48.627 (3) (h) If a claim by a foster, treatment foster or family—operated group home parent or a member of the foster, treatment foster or family—operated group home parent's family is approved, the department shall deduct from the amount approved \$200 \$100 less any amount deducted by an insurance company from a payment for the same claim, except that a foster, treatment foster or family—operated group home parent and his or her family are subject to only one deductible for all claims filed in a fiscal year.

#### Section 9323. Initial applicability; health and family services.

(1) FOSTER PARENT INSURANCE DEDUCTIBLE. The treatment of section 48.627 (3) (h) of the statutes first applies to an act or omission, as described in section 48.627 (2m) or (2s) (a) or (b) of the statutes, that occurs on the effective date of this subsection.